

Then AC ¶ 14 states that Nationstar's first contact with Harris was to advise him that he was in arrearage on the mortgage and the mortgage was "currently 'in foreclosure.'"

If Nationstar's effort described in the AC has been to collect an obligation owed to it, the Complaint's characterization of its being a "debt collector" for statutory purposes is obviously inaccurate. At a minimum the allegations drafted by Harris' counsel create an ambiguity -- at worst they may plead him out of court. Accordingly Harris' counsel is ordered to provide more enlightenment on that subject on or before January 6, 2017 so that this Court can determine whether this action can go forward under the Act.



Milton I. Shadur
Senior United States District Judge

Date: December 19, 2016